

Serial No.: 10/721,525

REMARKS

I. Status Summary

Claims 1-15 presently stand allowed. A Notice of Allowance was mailed from the U.S. Patent and Trademark Office (hereinafter "the Patent Office") on September 27, 2006. The issue and publication fees were mailed to the Patent Office on October 25, 2006. An Issue Notification was mailed on November 22, 2006, indicating that the application will issue on December 12, 2006 as U.S. Patent No. 7,148,241. Applicants have submitted, in conjunction with this Amendment, a Petition under 37 CFR 1.313(c) to withdraw the application from issue based upon the unpatentability of claims 1-15, as provided under 37 CFR 1.313(c)(1).

Claims 1-3, 5-7, and 9-11 have been amended. The specification has been amended. Support for the amendments can be found in the specification as filed. No new matter has been added.

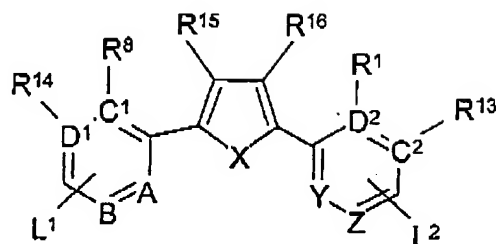
As described further hereinbelow, applicants respectfully submit that the amendments submitted herein resolve the clarity issues related to Formula (I) of the independent claims, thereby rendering both the independent claims (i.e., claims 1-3, 5-7, and 9-11), as well as the dependent claims (i.e., claims 4, 8, and 12-15), patentable.

Reconsideration of the application as amended and further in view of the remarks set forth herein below is respectfully requested.

II. Lack of Clarity of Formula (I) in Presently Allowed Claims

It was recently brought to Applicants' attention that Formula (I) as drafted describes chemical groups for some of the variables (i.e., C¹, C², D¹, and D²) that appear to render the claims unclear. This error has been carried through into the presently allowed claims. For example, claims 1, 5, and 9 recite Formula (I):

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wherein, among other things:

C¹, C², A, and Y are CH, N, NR¹⁷, O, or S, wherein C¹ and C² are the same or different;

D¹, D², B, and Z are CH, N, or NR¹⁷ wherein D¹ and D² are the same or different; provided that B, Z, or both B and Z are not present when A, Y, or both A and Y are O, S, or NR¹⁷; and

R¹³, R¹⁴, R¹⁵, R¹⁶, R¹ and R⁸ are selected from the group consisting of H, lower alkyl, halogen, alkoxy, aryloxy, aralkoxy and hydroxyl.

Claims 2, 3, 6, 7, 10, and 11 recite that C¹, C², D¹, and D² are each CH or N.

Applicants note that, due to the presence of R¹⁴, R⁸, R¹, and R¹³, it appears that C¹, C², D¹, and D² could not be CH, because carbon has only four valence electrons available for bonding. If, for example, C¹ were CH, then the carbon atom of C¹ would need to be involved in both a single bond and a double bond to other atoms in the aromatic ring, a single bond to R⁸, and a single bond to H. With only four valence electrons, this bonding pattern is not possible. Further, if C¹, C², D¹, or D² were N, O, or S, then R¹⁴, R⁸, R¹, and R¹³ could not be present, because nitrogen has only three valence electrons available for bonding, and oxygen and sulfur each have only two valence electrons available for bonding.

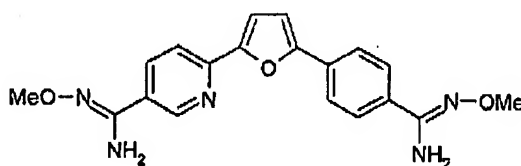
III. Amendments

Each of claims 1-3, 5-7, and 9-11 have been amended to recite that C¹, C², D¹, and D² are each C or N. These claims have also been amended to recite that R¹³, R¹⁴, R¹, and R⁸ can be present or absent. The specification has

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been amended to correct the description of Formula (I) to correspond to the amendments to the claims. Further, the notation "(1)" adjacent to the generic structure of Formula (I) has been replaced by "(I)", to better match the text.

Support for the amendments can be found in the specification and claims as originally filed. Support can also be found in the specification as filed in the structures of Formulas (II) and (III), which correspond to the compounds of Formula (I) wherein C^1 , C^2 , D^1 , and D^2 are each C and R^{14} , R^8 , R^1 , and R^{13} are each H. See Instant Specification, page 10. See also, compounds 4-7, Instant Specification, page 18; compounds 11-13, Instant Specification, page 19; compounds 17-20, Instant Specification, page 20; compounds 22-24, Instant Specification, page 21; compound 27, Instant Specification, page 22; compounds 29-31, Instant Specification, page 23; and Table 1, Instant Specification, page 39. Finally, please see the compound recited in claims 12, 13, and 15:



Applicants respectfully submit that the amendments to claims 1-3, 5-7, and 9-11 resolve the clarity issues related to the groups recited in the descriptions of variables C^1 , C^2 , D^1 , and D^2 . Formula (I) as recited in the amended claims describes compounds comprising properly bonded aryl or heteroaryl groups. In particular, when any of C^1 , C^2 , D^1 , and D^2 is carbon (i.e., C), the adjacent R variable (i.e., R^{14} , R^8 , R^1 , or R^{13}) can be present. For example, the compound recited in claim 12 has proper antecedent basis in claim 2, and describes the embodiment wherein A is N; B is CH; X is O; R^1 , R^8 , R^{13} , and R^{14} are each present and are each H; R^6 and R^3 are each methoxy; R^{15} and R^{16} are each H; and C^1 , C^2 , D^1 , and D^2 are each C. When any of C^1 , C^2 , D^1 , and D^2 is N, then the adjacent R variable (i.e., R^{14} , R^8 , R^1 , or R^{13}) is not present and the nitrogen is bonded only to other atoms in the aromatic ring.

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Accordingly, applicants respectfully submit that claims 1-3, 5-7, and 9-11 are believed to be allowable and respectfully request that these claims, as herein amended, be allowed at this time. As independent claims 1-3, 5-7, and 9-11 are now believed to be allowable, dependent claims 4, 8, and 12-15 are also believed to be allowable. Applicants respectfully request that claims 4, 8, and 12-15 also be allowed at this time.

CONCLUSIONS

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

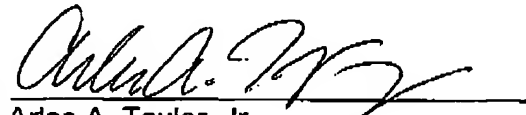
Respectfully submitted,

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Date:

12/12/2006

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